

Great Braxted Parish Council
Rosewood The Furze
Main Road
Mundon
CM9 6PU

18th June 2025

Dear Sir/Madam,

Re: Objection to Planning Application 25/00421/FULM – Rosedale, Lea Lane, Great Braxted

Great Braxted Parish Council strongly objects to the above planning application for 12 additional static Gypsy Traveller pitches, the erection of a shared day room, and formation of hardstanding and outbuildings at Rosedale, Lea Lane, Great Braxted.

We consider this proposal contrary to key principles of both the **National Planning Policy Framework (NPPF, December 2024)**, the **Planning Policy for Traveller Sites (2024)**, and **Maldon District Council's Local Development Plan (LDP) 2014–2029**, for the following reasons:

1. Unsustainable Development Location

(NPPF paras 8, 11, 110, 111; PPTS paras 13(f), 26; LDP Policies S1 and H6)

The proposed development is situated in open countryside within Great Braxted, which, according to Maldon District Council's 2023 Rural Facilities Survey, has no shops, schools, healthcare, or transport infrastructure, other than a remote church and village hall. There is no public transport access.

Paragraph 110 of the NPPF requires that significant development be directed to locations that are, or can be made, sustainable. Paragraph 111 supports minimising the need to travel and improving transport choice. Paragraph 8 highlights that well-designed, accessible places are essential to achieving social sustainability.

Paragraph 26 of the Planning Policy for Traveller Sites (PPTS) confirms that local authorities should very strictly limit new Traveller site development in open countryside away from settlements. Paragraph 13(f) adds that sites should not place undue pressure on local infrastructure. This proposal fails on all counts.

2. Overdevelopment and Cumulative Impact on Rural Character

(NPPF paras 88, 89, 187, 189; PPTS paras 10(d), 14; LDP Policies D1 and H6)

The Rosedale site was originally granted permission for just one pitch in 2013. Since then, it has undergone substantial and unlawful expansion. This retrospective application seeks to regularise a level of development that is wholly disproportionate to the surrounding rural area.

Paragraphs 88–89 of the NPPF support rural development where it respects local character and infrastructure capacity. Paragraph 187 requires protection of valued landscapes and the intrinsic beauty of the countryside. Paragraph 189 stresses the need to limit development in sensitive landscapes.

PPTS Paragraph 10(d) requires that the number of pitches be proportionate to the scale and location of the site and the surrounding population. Paragraph 14 adds that sites in rural areas must not dominate the nearest settled community. This application breaches both principles.

3. Highways Safety and Inadequate Access Infrastructure

(NPPF paras 110, 115; LDP Policies T1 and T2)

Lea Lane is a narrow rural road with poor visibility, no footpaths, and a history of maintenance issues. Paragraph 115 of the NPPF requires that safe and suitable access be achieved for all users. The introduction of 12 additional pitches, likely bringing heavy vehicles, mobile homes, and increased traffic, would exacerbate risks to pedestrian and vehicle safety. Paragraph 110 emphasises that significant development should only occur in locations that can support sustainable transport solutions. This site clearly cannot.

4. Impact on the Environment and Heritage Setting

(NPPF paras 187, 193, 207–215, 219; LDP Policies D1, N2 and S8)

The site lies within a designated Special Landscape Area, close to the River Blackwater nature conservation zone and near the historic and listed Braxted Park Estate. The proposal would result in the loss of rural landscape character, risks to biodiversity, and harm to the setting of a designated heritage asset.

Paragraph 187 of the NPPF confirms that planning decisions must protect valued landscapes and biodiversity. Paragraph 193 states that if harm to biodiversity cannot be avoided or mitigated, permission should be refused.

With regard to heritage, Paragraphs 207–215 require that any harm to the setting or significance of designated assets must be clearly justified and weighed against public benefits. Paragraph 219 encourages developments that enhance or better reveal the significance of heritage assets. This application does not meet those standards.

5. Visual Dominance and Lack of Integration

(PPTS paras 10(d), 13(a), 13(h), 14; LDP Policy H6)

The Rosedale site, through this retrospective application, seeks to regularise a significant expansion that, due to its layout, scale, and visual appearance, risks dominating the rural setting and undermining the existing settlement character.

Paragraph 10(d) of the PPTS emphasises that the number of pitches should be proportionate to the scale and location of the site and its surroundings. Paragraph 14 further notes that in rural areas, Traveller sites must not dominate the nearest settled community.

The development's visual scale and design, particularly in the context of the surrounding countryside and the small, established population of Great Braxted, makes it incongruous with local character. Moreover, Paragraph 13(a) calls for peaceful and integrated co-existence with the settled community, yet the current configuration, including high perimeter walls and the ongoing unauthorised expansion, hinders that

objective. Paragraph 13(h) also reminds planning authorities to assess how site sustainability is supported, which in this case is not evidenced due to the remote location and absence of facilities or infrastructure.

6. Lack of Supporting Infrastructure and Services

(NPPF paras 8(b), 98–101; PPTS para 13(f); LDP Policy I1)

Great Braxted has no shops, schools, health services, or public transport. The proposal makes no provision to meet these essential needs or demonstrate how services will be accessed.

Paragraph 8(b) of the NPPF confirms that development should foster places with accessible services that reflect current and future needs. Paragraphs 98 to 101 further require planning decisions to support the delivery of essential community infrastructure.

PPTS Paragraph 13(f) reinforces that planning decisions should avoid placing undue pressure on local infrastructure and services, which this development clearly would do.

The final sentence of PPTS Paragraph 15 also makes clear that Traveller exception sites must reflect existing development patterns and infrastructure availability, which this proposal demonstrably fails to do.

7. Inadequate Site Capacity and Lack of Safe Play Provision

(DCLG Good Practice Guide 2008; Essex Design Guide 2025; Chelmsford Planning Advice Note 2024)

The proposed site area of approximately 1.14 hectares is insufficient to safely accommodate 13 pitches in accordance with established best practice. National and local design guidance, including the Designing Gypsy and Traveller Sites: Good Practice Guide (DCLG, 2008) and the Essex Design Guide for Gypsy, Traveller and Showpeople Sites (2025) recommend a minimum of 500 sqm per pitch, including space for a caravan, touring van, day room, parking, and safe vehicle manoeuvring.

When accounting for essential infrastructure such as the shared day room, access roads, required boundary margins, and a dedicated play area (as required for sites of this scale), the available land cannot support more than 8 pitches without compromising safety, privacy, and amenity.

Furthermore, the proposal does not include a designated children's play area, contrary to recommendations in both the Essex Design Guide and Chelmsford City Council's Planning Advice Note (2024). This omission reduces the site's suitability and presents safety concerns, particularly given the number of families expected to reside on-site.

8. Potential Conflict with Proposed Gravel Extraction Nearby

The proposed site lies adjacent to land subject to an Essex County Council planning application for mineral extraction. Approving additional residential pitches in an area with an imminent industrial use raises serious concerns over environmental health, residential amenity, and long-term suitability for habitation.

9. Intentional Unauthorised Development and Failure to Comply with Enforcement Action

(PPTS para 27(d); Written Ministerial Statement, August 2015)

A substantial portion of the Rosedale site has been developed without permission, including the erection of high walls, outbuildings, and the ongoing construction of a large day room. These actions undermine the planning process and set a dangerous precedent.

PPTS Paragraph 27(d) discourages layouts that create isolation through hard landscaping, walls or gates, features already present at Rosedale. Moreover, the August 2015 Written Ministerial Statement confirms that intentional unauthorised development (IUD) is a material planning consideration. The applicant's decision to proceed with expansion despite the lack of planning permission and enforcement action constitutes clear IUD. This disregard for lawful procedure must weigh strongly against granting retrospective approval.

10. Conflict with NPPF Principles of Community Engagement and Balanced Growth

(NPPF paras 16(c), 40–41)

The proposal fails to reflect the NPPF's emphasis on early and proportionate engagement (para 16(c)) and the encouragement to involve local communities prior to application submission (paras 40–41). Given the scale of this retrospective application, the absence of local consultation is a serious shortcoming.

11. Sustainability, Wastewater and Climate Considerations

(NPPF paras 152–158, 159–169; LDP Policies D2 and I3)

The application contains no reference to sustainable construction, on-site renewable energy provision, or climate adaptation measures, contrary to the NPPF's emphasis on achieving low-carbon, resilient development.

Moreover, the development will result in an increased population with no evidence that wastewater and effluent impacts have been assessed or mitigated. There is no indication of how nutrient neutrality will be achieved or whether the receiving foul water network has the capacity to support additional discharge.

The application also lacks a Flood Risk Assessment, despite the proposed intensification of hardstanding across a rural site and the proximity to nearby watercourses. This omission raises concerns about surface water runoff and localised flooding, particularly given the scale of impermeable development proposed.

12. Human Rights Balance and Five-Year Supply Context

(ECHR Articles 8 & 14; Buckley v UK [1996]; Chapman v UK [2001]; Smith v Secretary of State [2024]; Bromley v Persons Unknown [2020])

In considering this application, the Council must balance the Article 8 rights (respect for private and family life) of the applicant with those of the local settled community. Courts have consistently upheld that planning refusals may be justified where they protect the environment and public interests (e.g., *Buckley v UK*, *Chapman v UK*).

The High Court's 2024 decision in *Smith v Secretary of State* reaffirmed that interference with rights must be **justified, proportionate, and non-discriminatory**, taking into account the impact on both Traveller and

settled communities. The Court of Appeal in *Bromley v Persons Unknown [2020]* further emphasised that the rights of the settled community are not subordinate to those of others.

In addition, while Maldon District Council has a duty to maintain a five-year supply of Traveller pitches, national guidance (PPTS, para 11) clarifies that this **does not override policies on sustainability, visual dominance, or appropriate site design**. The presence of an unmet pitch need cannot justify approving development that would cause significant and irreversible harm.

A recent appeal decision by the Planning Inspectorate (April 2025, Inspector Pleasant, Ref: APP/K0235/C/22/3303839-40) refused permission for a Traveller site despite the absence of a five-year supply. The Inspector found that “the adverse impacts... significantly and demonstrably outweigh the benefits,” reaffirming that sustainability and design principles remain paramount.

Conclusion

While the Parish Council supports the principle of providing well-located and integrated Gypsy and Traveller accommodation, this proposal is wholly inappropriate and contrary to both national and local policy, including the Planning Policy for Traveller Sites. It would result in significant harm to the countryside, local services, residential amenity, road safety, and social cohesion.

We urge Maldon District Council to refuse this application.

Yours sincerely,

Lynda Townend

Lynda Townend
Parish Clerk
On behalf of Great Braxted Parish Council